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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/160,728	09/25/1998	JERZY LEWAK	NISUS-002-PAP	6662

7590

05/19/2003

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EXAMINER

SEALEY, LANCE W

ART UNIT

PAPER NUMBER

2671

DATE MAILED: 05/19/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/160,728	<b>Applicant(s)</b> LEWAK, JERZY	
	<b>Examiner</b> Lance W. Sealey	<b>Art Unit</b> 2671	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 March 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) 61-80 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 63-80 is/are allowed.
- 6) ☒ Claim(s) 61 and 62 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some \* c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) \_\_\_\_\_.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

**Attachment(s)**

- |   |  |
|---|--|
| 15) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 16) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 17) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 20) <input type="checkbox"/> Other: _____                                    |

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### **DETAILED ACTION**

#### ***Notice of Change in Art Unit***

1. The Group and/or Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 2671.

#### ***Allowed Subject Matter***

2. Claims 63-80 are allowed because no prior art anticipates or suggests, in a method of illustrating transformations of abstract symbol statements, animating portions of the first form of the abstract symbol statement, while other portions of the first form remain static, to indicate conceptual changes involved in the transformation from the first form to the second form of the abstract symbol statement (claim 63); or the elements disclosed in claim 80 as interpreted under paragraph 6 of 35 U.S.C. 112. Claims 64-79 are allowed because they depend, directly or indirectly, on claim 63.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of 35 U.S.C. 102(b) which forms the basis for all novelty-related rejections set forth in this Office action:

A person shall be entitled to a patent unless—

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 61 and 62 are rejected under 35 U.S.C. 102(b) as being anticipated by Gasper (U.S. Pat. No. 4,884,972).

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5. Gasper, in disclosing speech synchronized animation, also discloses, with respect to claim 61, a method of presenting, on a computer controlled display device (Abstract, fourth and fifth sentences), transformation rules (col.14, ll.27-67) of abstract representations (tiles of letters, Abstract, fourth sentence) using animations (movement of tiles by the user on the screen, Abstract, fourth through sixth sentences) to simulate continuous transformations (the continuous formation of tiles to produce letter sounds and, subsequently, word sounds; Abstract, sixth through eighth sentences).

6. Concerning claim 62, Gasper discloses the method of claim as used for teaching transformation rules for abstract symbolic statements. First of all, the Gasper invention is intended to be used for teaching (Abstract, first sentence). Col.3, ll.14-26 introduces what Gasper calls a "synactor". A synonym for "synactor" is "talking head" (see col.3, ll.35-40). Col.4, ll.18-22 characterizes the talking head as a "simulated teacher". Finally, col.20, ll.24-30 discloses the possibility of programming the synactor to teach a rule: "this vowel is long because of that silent 'e'".

7. Therefore, in view of the foregoing, claims 61 and 62 are anticipated under 35 U.S.C. 102(b) by Gasper.

***Response to Remarks***

8. The examiner, as discussed in the interview with the applicant's representative on November 7, 2002 (Paper No. 20), continues to agree that Nakayama et al. (U.S. Pat. No. 5,732,001) does not disclose continuous animation. However, the examiner presents the Gasper

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patent as an example of an invention which could fulfill claims 61 and 62, claims which are considerably more broad than the other claims in this application.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the Office should be directed to the examiner, Lance Sealey, whose telephone number is (703) 305-0026. He can be reached from 7:00 am-3:30 pm Monday-Friday EDT.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Zimmerman, can be reached at (703) 305-9798.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

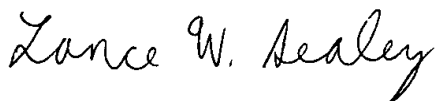
**or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office at (703) 306-0377.

Respectfully submitted,



Lance W. Sealey, examiner